

House Bill 106 (AS PASSED HOUSE AND SENATE)

By: Representative Barnard of the 166th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for penal institutions, so as to change certain provisions relating to the state sexual offender registry; to change provisions relating to registration requirements for offenders changing residency to this state; to change and add certain definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for penal institutions, is amended by striking in its entirety Code Section 42-1-12, relating to the state sexual offender registry, and inserting in lieu thereof the following:

"42-1-12.

(a) As used in this Code section, the term:

(1) 'Address' means the street or route address of the person's residence. For purposes of this Code section, the term does not mean a post office box.

(1) 'Appropriate ~~state~~ official' means:

(A) With respect to an offender who is sentenced to probation without any sentence of incarceration in the state prison system or who is sentenced pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, the Division of Probation of the Department of Corrections;

(B) With respect to an offender who is sentenced to a period of incarceration in a prison under the jurisdiction of the Department of Corrections and who is subsequently released from prison or placed on probation, the commissioner of corrections or his or her designee; ~~and~~

(C) With respect to an offender who is placed on parole, the chairperson of the State Board of Pardons and Paroles or his or her designee; and

1 (D) With respect to an offender who is placed on probation through a private probation
2 agency, the director of the private probation agency or his or her designee.

3 (2) 'Board' means the Sexual Offender Registration Review Board.

4 (2.1) 'Change in enrollment status' or 'change in employment status' means the
5 commencement or termination of enrollment or employment.

6 (2.2) 'Change in vocation status' means the commencement or termination of a vocation.

7 (3) 'Conviction' includes a final judgment of conviction entered upon a verdict or finding
8 of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is
9 discharged without adjudication of guilt and who is not considered to have a criminal
10 conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall
11 be subject to the registration requirements of this Code section for the period of time prior
12 to the defendant's discharge after completion of his or her sentence or upon the defendant
13 being adjudicated guilty. Unless otherwise required by federal law, a defendant who is
14 discharged without adjudication of guilt and who is not considered to have a criminal
15 conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall
16 not be subject to the registration requirements of this Code section upon the defendant's
17 discharge.

18 (4)(A) 'Criminal offense against a victim who is a minor' with respect to convictions
19 occurring on or before June 30, 2001, means any criminal offense under Title 16 or any
20 offense under federal law or the laws of another state or territory of the United States
21 which consists of:

- 22 (i) Kidnapping of a minor, except by a parent;
- 23 (ii) False imprisonment of a minor, except by a parent;
- 24 (iii) Criminal sexual conduct toward a minor;
- 25 (iv) Solicitation of a minor to engage in sexual conduct;
- 26 (v) Use of a minor in a sexual performance;
- 27 (vi) Solicitation of a minor to practice prostitution; or
- 28 (vii) Any conviction resulting from an underlying sexual offense against a victim
29 who is a minor.

30 (B) 'Criminal offense against a victim who is a minor' with respect to convictions
31 occurring after June 30, 2001, means any criminal offense under Title 16 or any offense
32 under federal law or the laws of another state or territory of the United States which
33 consists of:

- 34 (i) Kidnapping of a minor, except by a parent;
- 35 (ii) False imprisonment of a minor, except by a parent;
- 36 (iii) Criminal sexual conduct toward a minor;
- 37 (iv) Solicitation of a minor to engage in sexual conduct;

- (v) Use of a minor in a sexual performance;
- (vi) Solicitation of a minor to practice prostitution;
- (vii) Use of a minor to engage in any sexually explicit conduct to produce any visual medium depicting such conduct;
- (viii) Creating, publishing, selling, distributing, or possessing any material depicting a minor or a portion of a minor's body engaged in sexually explicit conduct;
- (ix) Transmitting, making, selling, buying, or disseminating by means of a computer any descriptive or identifying information regarding a child for the purpose of offering or soliciting sexual conduct of or with a child or the visual depicting of such conduct;
- (x) Conspiracy to transport, ship, receive, or distribute visual depictions of minors engaged in sexually explicit conduct; or
- (xi) Any conduct which, by its nature, is a sexual offense against a minor.

(C) For purposes of this paragraph, conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

~~(D) For purposes of this paragraph, 'criminal offense against a victim who is a minor' shall not include conduct which, by its nature, is a sexual offense against a victim who is 13 years of age or older when the defendant enters a first offender plea pursuant to Article 3 of Chapter 8 of this title.~~

(4.1) 'Institution of higher education' means a community college, state university, state college, or independent postsecondary institution.

(5) 'Mental abnormality' means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(5.1) 'Minor' means any person under the age of 18 years and any person that the offender believed at the time of the offense was under the age of 18 years if such person was the victim of an offense.

(6) 'Predatory' means an act directed at a stranger or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(7) 'Sexually violent offense' means a conviction for violation of Code Section 16-6-1, relating to rape; Code Section 16-6-2, relating to aggravated sodomy; Code Section 16-6-4, relating to aggravated child molestation; ~~or Code Section 16-6-22.2, relating to aggravated sexual battery; or an offense that has as its element engaging in physical contact with another person with intent to commit such an offense~~ Code Section 16-5-21, relating to aggravated assault with intent to rape; or a conviction in a federal court,

1 military court, tribal court, or court of another state or territory for any offense which
2 under the laws of this state would be classified as a violation of a Code section listed in
3 this paragraph.

4 (8) 'Sexually violent predator' means a person who has been convicted on or after July
5 1, 1996, of a sexually violent offense and who suffers from a mental abnormality or
6 personality disorder or attitude that places the person at risk of perpetrating any future
7 predatory sexually violent offenses.

8 (9) 'Vocation' means any sort of full-time, part-time, or volunteer employment with or
9 without compensation exceeding 14 consecutive days or for an aggregate period of time
10 exceeding 30 days during any calendar year.

11 (b)(1)(A)(i) On and after July 1, 1996, a person who is convicted of a criminal
12 offense against a victim who is a minor or who is convicted of a sexually violent
13 offense shall register as a sex offender within ten days after his or her release from
14 prison or placement on parole, supervised release, or probation his or her name and
15 current address; place of employment and vocation, if any; the crime of which
16 convicted; school name and address, if any; and the date released from prison or
17 placed on parole, supervised release, or probation with the appropriate sheriff's office
18 as specified in subsection (c) of this Code section in the county where such person
19 will reside for the time period specified in subsection (g) of this Code section.

20 (ii) A person who has previously been convicted of a criminal offense against a
21 victim who is a minor or who has previously been convicted of a sexually violent
22 offense and who is released from prison or placed on parole, supervised release, or
23 probation on or after July 1, 1996, shall register within ten days after such release or
24 placement his or her name and current address; place of employment and vocation,
25 if any; the crime of which convicted; school name and address, if any; and the date
26 released from prison or placed on parole, supervised release, or probation with the
27 appropriate sheriff's office as specified in subsection (c) of this Code section in the
28 county where such person will reside for the time period specified in subsection (g)
29 of this Code section.

30 (iii) On and after July 1, 1999, any resident of Georgia who is convicted under the
31 laws of another state or territory, under the laws of the United States, under the
32 Uniform Code of Military Justice, or in a tribal court of a sexually violent offense or
33 a criminal offense against a victim who is a minor shall register within ten days after
34 his or her release from prison or placement on parole, supervised release, or
35 probation. The information such an offender is required to register shall include his
36 or her name and current address; place of employment and vocation, if any; the crime
37 of which convicted; school name and address, if any; and the date released from

1 prison or placed on parole, supervised release, or probation. Such an offender shall
2 register with the appropriate sheriff's office as specified in subsection (c) of this Code
3 section in the county where such person will reside for the time period specified in
4 subsection (g) of this Code section.

5 (B) A person who is a sexually violent predator shall register within ten days after his
6 or her release from prison or placement on parole, supervised release, or probation the
7 information required under subparagraph (A) of this paragraph with the appropriate
8 sheriff's office as specified in subsection (c) of this Code section in the county where
9 such person will reside. The sheriff may prepare a list of such sexual predators
10 providing each person's name, address, and photograph. The sheriff shall update the list
11 periodically and may post such list in a prominent and visible location in the sheriff's
12 office and each city hall or primary administration building of every incorporated
13 municipality within the county. Such list shall also be made available upon request to
14 any public or private elementary, secondary, or postsecondary school or educational
15 institution located in the county.

16 (2)(A) Upon a determination that an offender is guilty of a sexually violent offense, the
17 court may request a report from the Sexual Offender Registration Review Board as to
18 the likelihood that the offender suffers from a mental abnormality or personality
19 disorder that would make the person likely to engage in a predatory sexually violent
20 offense. The report shall be requested as a matter of course for any offender with a
21 history of sexually violent offenses. The court shall provide the Sexual Offender
22 Registration Review Board with any information available to assist the board in
23 rendering an opinion. The board shall have 60 days from receipt of the court's request
24 to respond with its report. After receiving a recommendation from the Sexual Offender
25 Registration Review Board that a convicted sexually violent offender be classified as
26 a sexually violent predator, the sentencing court shall so inform the offender and shall
27 set a date to conduct a hearing affording the offender the opportunity to present
28 testimony or evidence relevant to the recommended classification. After the hearing and
29 within 60 days of receiving the report, the court shall issue a ruling as to whether or not
30 the offender shall be classified as a sexually violent predator. If the court determines
31 the offender to be a sexually violent predator, such fact shall be communicated in
32 writing to the appropriate state official and to the Georgia Bureau of Investigation.

33 (B) The Sexual Offender Registration Review Board shall be composed of three
34 professionals licensed under Title 43 and knowledgeable in the field of the behavior and
35 treatment of sexual offenders; at least one representative from a victims' rights
36 advocacy group or agency; and at least two representatives from law enforcement, each
37 of whom is either employed by a law enforcement agency as a certified peace officer

1 under Title 35 or retired from such employment. The members of such board shall be
2 appointed by the commissioner of human resources for terms of four years. Members
3 of the board shall take office on the first day of September immediately following the
4 expired term of that office and shall serve for a term of four years and until the
5 appointment of their respective successors. No member shall serve on the board more
6 than two consecutive terms. Vacancies occurring on the board, other than those caused
7 by expiration of a term of office, shall be filled in the same manner as the original
8 appointment to the position vacated for the remainder of the unexpired term and until
9 a successor is appointed. Members shall be entitled to an expense allowance and travel
10 cost reimbursement the same as members of certain other boards and commissions as
11 provided in Code Section 45-7-21.

12 (C) The Sexual Offender Registration Review Board shall be attached to the
13 Department of Human Resources for administrative purposes and provided there is
14 adequate funding provided shall:

- 15 (i) Exercise its quasi-judicial, rule-making, or policy-making functions independently
16 of the department and without approval or control of the department;
- 17 (ii) Prepare its budget, if any, and submit its budgetary requests, if any, through the
18 department; and
- 19 (iii) Hire its own personnel if authorized by the Constitution of this state or by statute
20 or if the General Assembly provides or authorizes the expenditure of funds therefor.

21 (3)(A) If a person who is required to register under this Code section is released from
22 prison or placed on parole, supervised release, or probation, the appropriate state
23 official shall:

- 24 (i) Inform the person of the duty to register and obtain the information required under
25 subparagraph (A) of paragraph (1) of this subsection for such registration;
- 26 (ii) Inform the person that, if the person changes residence address, employment
27 address, vocation address, school name, school address, or enrollment status, the
28 person shall give the new information to the sheriff or sheriffs with whom the person
29 last registered and the sheriff or sheriffs of the county to which the person is changing
30 residence address, employment address, vocation address, school name, school
31 address, or enrollment status, not later than ten days after the change of information.
32 Following such notification, the sheriff's office shall notify immediately the Georgia
33 Bureau of Investigation through the Criminal Justice Information System (CJIS) of
34 each change of information;
- 35 (iii) Inform the person that the person must register in any state where the person is
36 employed or carries on a vocation or is a student;

1 (iv) Inform the person that, if the person changes residence to another state, the
2 person shall register the new address with the sheriff or sheriffs with whom the person
3 last registered, and that the person shall also register with a designated law
4 enforcement agency in the new state not later than ten days after establishing
5 residence in the new state;

6 (v) Obtain fingerprints and a photograph of the person if such fingerprints and
7 photograph have not already been obtained in connection with the offense that
8 triggered the initial registration; and

9 (vi) Require the person to read and sign a form stating that the duty of the person to
10 register under this Code section has been explained. A copy of this form and any other
11 registration information furnished by the Department of Corrections shall be
12 forwarded to the Georgia Bureau of Investigation.

13 (B) In addition to the requirements of subparagraph (A) of this paragraph, for a person
14 required to register under subparagraph (B) of paragraph (1) of this subsection, the
15 appropriate state official shall obtain the name of the person; descriptive physical and
16 behavioral information to assist law enforcement personnel in identifying the person;
17 known current or proposed residence addresses of the person; place of employment, if
18 any; offense history of the person; and documentation of any treatment received for any
19 mental abnormality or personality disorder of the person; provided, however, that the
20 appropriate state official shall not be required to obtain any information already on the
21 Criminal Justice Information System of the Georgia Crime Information Center.

22 (C) The Georgia Crime Information Center shall create the Criminal Justice
23 Information System network transaction screens by which appropriate state officials
24 shall enter original data required by this Code section including residence address,
25 school name, school address, enrollment status, and employment and vocation address
26 and status. Screens shall also be created for sheriffs' offices for the entry of record
27 confirmation data; employment; changes of residence, school, or employment; or other
28 pertinent data and to assist in offender identification.

29 (D) Any person changing residence from another state or territory of the United States
30 to Georgia ~~who is required to register under federal law or the laws of another state,~~
31 ~~territory, or tribal authority or who has been convicted of an offense in another state,~~
32 ~~territory, or tribal authority which would require registration under this Code section~~
33 ~~if committed in this state shall comply with the registration requirements of this Code~~
34 ~~section. Such person shall register the new address, employment, and vocation~~
35 ~~information with the appropriate sheriff of the county as specified in subsection (c) of~~
36 ~~this Code section not later than ten days after the date of establishing residency in this~~
37 ~~state. Upon the person's registration with the sheriff of the county of new residence, the~~

1 ~~sheriff or his or her designee shall forward the registration information to the Georgia~~
2 ~~Bureau of Investigation. The sheriff or his or her designee shall obtain any needed~~
3 ~~information concerning the registrant, including fingerprints and a photograph of the~~
4 ~~person if such fingerprints and photograph have not previously been obtained within~~
5 ~~the State of Georgia. In addition, the sheriff or his or her designee shall inform the~~
6 ~~person of the duty to report any change of address as otherwise required in this Code~~
7 ~~section. The Georgia Bureau of Investigation shall forward such information in the~~
8 ~~manner described in subsection (c) of this Code section.~~ shall be subject to the
9 following registration requirements:

10 (i) Any person changing residence from another state or territory of the United States
11 to Georgia who is required to register under federal law or the laws of another state,
12 territory, or tribal authority shall comply with the registration requirements of this
13 Code section and register in this state regardless of when the conviction occurred.

14 (ii) Any person changing residence from another state or territory of the United States
15 to Georgia who has been convicted of an offense in another state, territory, or tribal
16 authority which would require registration under this Code section if committed in
17 this state shall comply with the registration requirements of this Code section
18 regardless of when the conviction occurred.

19 (iii) Any person who is subject to the registration requirements of this Code section
20 shall register the new address, employment, and vocation information with the
21 appropriate sheriff of the county as specified in subsection (c) of this Code section not
22 later than ten days after the date of establishing residency in this state.

23 (iv) Upon the person's registration with the sheriff of the county of new residence,
24 the sheriff or the sheriff's designee shall forward the registration information to the
25 Georgia Bureau of Investigation. The sheriff or the sheriff's designee shall obtain any
26 needed information concerning the registrant, including fingerprints and a photograph
27 of the person if such fingerprints and photograph have not previously been obtained
28 within the State of Georgia. In addition, the sheriff or the sheriff's designee shall
29 inform the person of the duty to report any change of address as otherwise required
30 in this Code section. The Georgia Bureau of Investigation shall forward such
31 information in the manner described in subsection (c) of this Code section.

32 (v) Any person who is subject to the registration requirements of this Code section
33 shall be required to register in Georgia for the remaining period of time established
34 by the state of last registration, or for the period of time as set forth in subsection (g)
35 of this Code section, whichever is longer.

(vi) Any person who is designated in another state as a sexually violent predator and changes residency to Georgia shall also be designated as a sexually violent predator in this state and subject to subsection (g) of this Code section.

(E) The following persons are also required to register:

(i) Any nonresident who enters this state for the purpose of employment for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year and who is required to register under federal law, military law, tribal law, or the laws of another state or territory, which, based on an act, would require registration under this Code section; or

(ii) Any nonresident who enters this state for the purpose of attending school as a full-time or part-time student and who is required to register under federal law, military law, tribal law, or the laws of another state or territory, which, based on an act, would require registration under this Code section.

Any person required to register by this subparagraph shall not later than ten days after the person enters the state register with the sheriff of the county of his or her temporary address, with the sheriff of the county of his or her employment, and with the sheriff of the county in which the person is attending school. The information registered shall include the person's temporary address, permanent address in the person's state of residence, employment and vocation address and status, and school name, school address, and enrollment status. Upon the person's registration, the sheriff or the sheriff's designee shall forward the registration information to the Georgia Bureau of Investigation. The sheriff or the sheriff's designee shall obtain the fingerprints and photograph of the person, if the person's fingerprints and photograph have not previously been obtained in Georgia. The sheriff or the sheriff's designee shall inform the person of his or her duty to report any change in temporary residence, permanent residence, employment and vocation address and status, school name, school address, or enrollment status.

(4) A person who is required to register under any provision of this Code section shall:

(A) Report in person within ten days of release from prison, placement on probation, parole, or supervised release to the appropriate sheriff's office of the county or counties where the person resides, is employed, or attends school. A person who is so required to register must provide his or her street address to the sheriff of the person's county of residence;

(B) Report in person within ten days to the appropriate sheriff or sheriffs if the person changes residence address, employment address, vocation address, school name, school address, or enrollment status;

(C) In the event of a move to a new state, advise the sheriff of the county where the person last registered of his or her impending move within ten days of moving. He or she shall also report to the designated law enforcement agency in the new state of residence within ten days of arrival at the new residence;

(D) Read and sign the offender registration notification form at the time of registration; and

(E) Report in person to the sheriff of the person's county of residence within ten days of the anniversary date of the original registration with the offender's verification form from the Georgia Bureau of Investigation.

(c)(1) The appropriate state official shall, within three days after receipt of information described in paragraph (3) of subsection (b) of this Code section, forward such information to the Georgia Bureau of Investigation. Once the data is entered into the Criminal Justice Information System by the appropriate state official or sheriff, the Georgia Crime Information Center, where appropriate, shall immediately notify the sheriff of the person's county of residence, either permanent or temporary, the sheriff of the county of employment, and the sheriff of the county where the person attends school. The Georgia Bureau of Investigation shall also immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation. It shall be the duty of the sheriff of each county within this state to maintain a register of the names and addresses of all registered offenders within the sheriff's jurisdiction whose names have been provided by the Georgia Bureau of Investigation to the sheriff under this Code section. The Georgia Bureau of Investigation shall establish operating policies and procedures concerning record ownership, quality, verification, modification, and cancellation and shall perform mail out and verification duties on a quarterly basis. The Georgia Bureau of Investigation shall send each month Criminal Justice Information System network messages to sheriffs listing offenders due for verification. The bureau shall also create a photo image file from original entries and provide such entries to sheriffs to assist in offender identification and verification.

(2) Any person who is required to register under this Code section and who is enrolled, employed, or carries on a vocation at an institution of higher education in this state shall provide the name, address, and county of each institution including each campus attended and the person's position or enrollment status, as well as any change in enrollment, employment, or vocation status. The requirements of this paragraph shall be accomplished in a manner specified in subparagraphs (b)(1)(A), (b)(1)(B), (b)(3)(A), (b)(3)(D), and (b)(3)(E) of this Code section.

(3) The Georgia Bureau of Investigation shall establish operating policies and procedures in order to provide prompt notice of offender registration and any change in status

1 information contained in paragraph (2) of this subsection to any law enforcement agency
2 having jurisdiction where an institution of higher education is located and to include
3 notification to the campus police if appropriate for the institution of higher education. The
4 law enforcement agency or agencies having jurisdiction where an institution of higher
5 education is located shall provide a statement advising the campus community where law
6 enforcement agency information may be obtained as provided by the state under 20
7 U.S.C. Section 1092 (f)(1) and 42 U.S.C. Section 1407 (j), concerning registered sex
8 offenders. This information may be obtained at the law enforcement office of the
9 institution, a local law enforcement agency with jurisdiction for the campus, or via the
10 Georgia Bureau of Investigation's Internet website.

11 (c.1)(1) On an annual basis, the Department of Education shall obtain from the Georgia
12 Bureau of Investigation a complete list of the names and addresses of all registered sexual
13 offenders and shall send such list, accompanied by a hold harmless provision, to each
14 public elementary and secondary school in this state. In addition, the Department of
15 Education shall provide information to each public elementary and secondary school in
16 this state on how to access and retrieve from the Georgia Bureau of Investigation's
17 Internet website a list of the names and addresses of all registered sexual offenders. The
18 Department of Education shall make such information available to any private school
19 upon request.

20 (2) The Office of School Readiness shall provide, on a one-time basis, information to all
21 child care programs regulated pursuant to Code Section 20-1A-5 on how to access and
22 retrieve from the Georgia Bureau of Investigation's Internet website a list of the names
23 and addresses of all registered sexual offenders and shall include, on a continuing basis,
24 such information with each application for licensure.

25 (3) The Department of Human Resources shall provide, on a one-time basis, information
26 to all day-care, group day-care, and family day-care programs regulated on how to access
27 and retrieve from the Georgia Bureau of Investigation's Internet website a list of the
28 names and addresses of all registered sexual offenders. On and after October 1, 2004, the
29 Department of Early Care and Learning shall include, on a continuing basis, such
30 information with each application for licensure, commissioning, or registration for early
31 care and education programs.

32 (d)(1) For a person required to register under subparagraph (b)(1)(A) of this Code
33 section, on each anniversary of the person's initial registration date during the period in
34 which the person is required to register under this Code section, the following applies:

35 (A) The Georgia Bureau of Investigation shall mail a nonforwardable verification form
36 to the last reported address of the person;

(B) Upon receipt of the verification form the person shall be required to report in person to the sheriff of the person's county of residence within ten days of the anniversary date;

(C) The verification form stating that the person still resides at the address last reported to the Georgia Bureau of Investigation shall be signed by the person and retained by the sheriff;

(D) The person shall report to the sheriff of the person's county of residence to be photographed every year within ten days of the anniversary date of the original registration; and

(E) If the person fails to respond directly to the sheriff within ten days after receipt of the form, the person shall be in violation of this Code section.

(2) The provisions of paragraph (1) of this subsection shall be applied to a person required to register under subparagraph (b)(1)(B) of this Code section, except that such person must verify the registration every 90 days after the date of the initial release on probation by the court or the initial release by the Department of Corrections or commencement of parole.

(e) A change of address by a person required to register under this Code section reported to the Georgia Bureau of Investigation shall be immediately reported to the sheriff of the county where the person resides as set forth in subparagraph (b)(3)(E) of this Code section. The Georgia Bureau of Investigation shall, if the person changes residence to another state, notify the law enforcement agency with which the person must register in the new state.

(f) A person who has been convicted of an offense which requires registration under this Code section shall register the new address with a designated law enforcement agency in another state to which the person moves not later than ten days after such person establishes residence in the new state if the new state has a registration requirement.

(g) A person required to register under subparagraph (b)(1)(A) of this Code section shall continue to comply with this Code section, except during ensuing periods of incarceration, during which time all registration requirements shall be stayed. Upon release from incarceration, the person shall report to the sheriff of the person's county of residence within ten days from the date of release from incarceration, until:

(1) Ten years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

(2) For the life of that person if that person:

(A) Has one or more prior convictions for an offense described in subparagraph (a)(4)(A) and paragraph (7) of subsection (a) of this Code section;

(B) Has been convicted of an aggravated offense described in paragraph (7) of subsection (a) of this Code section; or

1 (C) Has been determined to be a sexually violent predator pursuant to subparagraph
2 (b)(2)(A) of this Code section.

3 (h) Any person who is required to register under this Code section and who fails to comply
4 with the requirements of this Code section or who provides false information shall be guilty
5 of a felony and shall be punished by imprisonment for not less than one nor more than three
6 years; provided, however, that upon the conviction of the second or subsequent offense
7 under this subsection, the defendant shall be punished by imprisonment for not less than
8 one nor more than three years or by a fine in an amount of up to \$100,000.00, or both.

9 (i) The information collected under the state registration program shall be treated as private
10 data except that:

11 (1) Such information may be disclosed to law enforcement agencies for law enforcement
12 purposes;

13 (2) Such information may be disclosed to government agencies conducting confidential
14 background checks;

15 (3) The Georgia Bureau of Investigation or any sheriff maintaining records required
16 under this Code section shall release relevant information collected under this Code
17 section that is necessary to protect the public concerning those persons required to
18 register under this Code section, except that the identity of a victim of an offense that
19 requires registration under this Code section shall not be released. In addition to any other
20 notice that may be necessary to protect the public, nothing in this Code section shall
21 prevent any sheriff from posting this information in any public building in addition to
22 those locations enumerated in subparagraph (b)(1)(B) of this Code section; and

23 (4) It shall be the responsibility of the sheriff maintaining records required under this
24 Code section to enforce the criminal provisions of this Code section. The sheriff may
25 request the assistance of the Georgia Bureau of Investigation upon his or her discretion.

26 (j) Law enforcement agencies, employees of law enforcement agencies, members of the
27 Sexual Offender Registration Review Board, and state officials shall be immune from
28 liability for good faith conduct under this Code section.

29 (k) The provisions of this Code section shall be in addition to and not in lieu of the
30 provisions of Code Section 42-9-44.1, relating to conditions for parole of sexual offenders.

31 (l) The Board of Public Safety is authorized to promulgate rules and regulations necessary
32 for the Georgia Bureau of Investigation and the Georgia Crime Information Center to
33 implement and carry out the provisions of this Code section.

34 (m) No cause of action shall arise against any real estate broker or any affiliated licensee
35 of the broker or any person or entity or its employees which own property or any person
36 or entity or its employees who provide property management services as defined in
37 paragraph (7) of Code Section 43-40-1 for the failure to disclose in any real estate

1 transaction any information which is provided or maintained or required to be provided or
2 maintained in accordance with this Code section. No cause of action shall arise against any
3 real estate broker or any affiliated licensee of the broker or any person or entity or its
4 employees which own property or any person or entity or its employees who provide
5 property management services as defined in paragraph (7) of Code Section 43-40-1 for
6 revealing any information provided or maintained or required to be provided or maintained
7 in accordance with this Code section.

8 (n) Within ten days of the filing of a defendant's discharge and exoneration of guilt
9 pursuant to Article 3 of Chapter 8 of this title, the clerk of court shall transmit the order of
10 discharge and exoneration to the Georgia Bureau of Investigation and any sheriff
11 maintaining records required under this Code section."

12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.